



COUNTY OF NASSAU
OFFICE OF THE COUNTY ATTORNEY

April 18, 2024

Via ECF

Hon. Nina R. Morrison
United States District Court
225 Cadman Plaza East /Brooklyn, New York

Re: *Carl Semencic v. County of Nassau*, et al. (18-CV-05244 (NRM)(AYS)

Your Honor:

This office represents defendants, County of Nassau, The Nassau County Police Department, Police Commissioner Patrick J. Ryder and Police Officers Robert B. McGrory and Kenneth J. Magnuson in the above-referenced action.

Following the court video conference held April 4, 2024 regarding defendants' request for permission to file a motion for summary judgment, Your Honor issued the following order:

First, I apologize to the Court and plaintiff's counsel, Brian T. Stapleton, for my delay in determining my decision, which was caused by my working on several motions and appearing in court conferences this past Monday through Wednesday.

By letters filed April 11 and 18, 2024 [DE 82, 83] Mr. Stapleton informed the Court that plaintiff was withdrawing the following claims: Equal Protection of the Laws (Third Cause of Action), Failure To Intervene (Fourth Cause of Action), Substantive Due Process of Law (Fifth Cause of Action), Municipal and Supervisory Liability (Sixth Cause of Action), Respondeat Superior (Seventh Cause of Action) and Negligent Hiring, Supervision and Retention (Thirteenth Cause of Action).

As a result, plaintiff's remaining causes of action include: Federal law - illegal search and seizure, use of excessive force, and State law - assault and battery, false imprisonment/false arrest, malicious prosecution, abuse of process, and negligent infliction of emotional distress.

Following my review of documents produced in discovery and deposition transcripts, and taking into account the causes of action withdrawn by plaintiff in his April 11, 2024 letter, defendants now respectfully request permission to move for partial summary judgment to dismiss the following claims: State law - false imprisonment/false arrest, malicious prosecution, abuse of process and negligent infliction of emotional distress.

If Your Honor allows defendants to move for partial summary judgment on these causes of action, and grants the motion to that extent, the only remaining causes of action to be resolved at trial will be: Federal law - illegal search and seizure and use of excessive force, and State law – assault, battery and negligent infliction of emotional distress.

Defendants therefore respectfully request permission to move for partial summary judgment. If Your Honor permits defendants to file this motion, the parties will promptly submit a briefing schedule for the Court's approval.

As always, the parties thank Your Honor for your attention and consideration in this matter.

Respectfully submitted,

/s/ Ralph J. Reissman
RALPH J. REISSMAN
Deputy County Attorney

cc: Brian T. Stapleton, Esq., Attorney for Plaintiff